

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Accusation
Against:**

KING WONG, M.D.

Case No. 800-2018-045417

**Physician's and Surgeon's
Certificate No. A 35471**

Respondent

DECISION AND ORDER

**The attached Stipulated Surrender of License and Order is hereby
adopted as the Decision and Order of the Medical Board of California,
Department of Consumer Affairs, State of California.**

This Decision shall become effective at 5:00 p.m. on March 29, 2019.

IT IS SO ORDERED March 22, 2019.

MEDICAL BOARD OF CALIFORNIA

By: 
Kimberly Kirchmeyer
Executive Director

1 XAVIER BECERRA
Attorney General of California
2 E. A. JONES III
Supervising Deputy Attorney General
3 CINDY M. LOPEZ
Deputy Attorney General
4 State Bar No. 119988
California Department of Justice
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6 Telephone: (213) 269-6494
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7 *Attorneys for Complainant*

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9 **BEFORE THE**
10 **MEDICAL BOARD OF CALIFORNIA**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 800-2018-045417

14 **KING WONG, M.D.**
2392 North Euclid Avenue
15 Upland, CA 91784

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

16 **Physician's and Surgeon's Certificate No. A**
35471

17
18 Respondent.

19
20
21 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
22 entitled proceedings that the following matters are true:

23 **PARTIES**

24 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
25 of California (Board). She brought this action solely in her official capacity and is represented in
26 this matter by Xavier Becerra, Attorney General of the State of California, by Cindy M. Lopez,
27 Deputy Attorney General.
28

2. KING WONG, M.D. (Respondent) is represented in this proceeding by attorney Raymond J. McMahon, whose address is: Doyle Schafer McMahon, LLP, 5440 Trabuco Road, Irvine, CA 92620.

3. On or about July 1, 1980, the Board issued Physician's and Surgeon's Certificate No. A 35471 to KING WONG, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2018-045417 and will expire on February 29, 2020, unless renewed.

JURISDICTION

3. Accusation No. 800-2018-045417 was filed before the (Board). The Accusation and all other statutorily required documents were properly served on Respondent on November 21, 2018. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 800-2018-045417 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

4. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2018-045417. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

5. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

6. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

1 CULPABILITY

2 7. Respondent understands that the charges and allegations in Accusation No. 800-2018-
3 045417, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and
4 Surgeon's Certificate.

5 8. For the purpose of resolving the Accusation without the expense and uncertainty of
6 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
7 basis for the charges in the Accusation and that those charges constitute cause for discipline.
8 Respondent hereby gives up his right to contest that cause for discipline exists based on those
9 charges.

10 9. Respondent understands that by signing this stipulation he enables the Board to issue
11 an order accepting the surrender of his Physician's and Surgeon's Certificate without further
12 process.

13 CONTINGENCY

14 10. This stipulation shall be subject to approval by the Board. Respondent understands
15 and agrees that counsel for Complainant and the staff of the Board may communicate directly
16 with the Board regarding this stipulation and surrender, without notice to or participation by
17 Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he
18 may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board
19 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
20 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
21 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
22 be disqualified from further action by having considered this matter.

23 11. The parties understand and agree that Portable Document Format (PDF) and facsimile
24 copies of this Stipulated Surrender of License and Order, including Portable Document Format
25 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

26 12. In consideration of the foregoing admissions and stipulations, the parties agree that
27 the Board may, without further notice or formal proceeding, issue and enter the following Order:
28

ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 35471, issued to Respondent KING WONG, M.D., is surrendered and accepted by the Medical Board of California.

1. The surrender of Respondent's Physician's and Surgeon's Certificate and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Medical Board of California.

2. Respondent shall lose all rights and privileges as a physician and surgeon in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

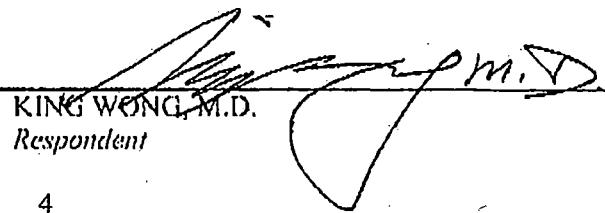
4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 800-2018-045417 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Ray McMahon. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

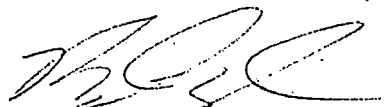
DATED: _____

03/18/19


KING WONG, M.D.
Respondent

1 I have read and fully discussed with Respondent KING WONG, M.D. the terms and
2 conditions and other matters contained in this Stipulated Surrender of License and Order. I
3 approve its form and content.

4 DATED: March 5, 2019


RAY MCMAHON
Attorney for Respondent

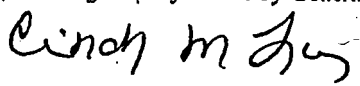
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7 ENDORSEMENT

8 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
9 for consideration by the Medical Board of California of the Department of Consumer Affairs.

10 Dated: 3.18.19

Respectfully submitted,

11 XAVIER BECERRA
12 Attorney General of California
13 E. A. JONES III
14 Supervising Deputy Attorney General



15 CINDY M. LOPEZ
16 Deputy Attorney General
17 Attorneys for Complainant

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EXHIBIT A

1 XAVIER BECERRA
2 Attorney General of California
3 E. A. JONES III
4 Supervising Deputy Attorney General
5 CINDY M. LOPEZ
6 Deputy Attorney General
7 State Bar No. 119988
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9 300 So. Spring Street, Suite 1702
10 Los Angeles, CA 90013
11 Telephone: (213) 269-6494
12 Facsimile: (213) 897-9395
13 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO November 21, 2018
BY R. Wong ANALYST

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 800-2018-045417

King Wong, M.D.
2392 North Euclid Avenue
Upland, CA 91784

A C C U S A T I O N

Physician's and Surgeon's Certificate
No. A 35471,

Respondent.

Complainant alleges:

PARTIES

1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).

2. On or about July 1, 1980, the Medical Board issued Physician's and Surgeon's Certificate Number A 35471 to King Wong, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on February 29, 2020, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2227 of the Code states:

“(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

“(1) Have his or her license revoked upon order of the board.

“(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

“(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

“(4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.

“(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

“(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1.”

5. Section 2234 of the Code, states:

“The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

1 “(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the
2 violation of, or conspiring to violate any provision of this chapter.

3 “(b) Gross negligence.

4 “(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or
5 omissions. An initial negligent act or omission followed by a separate and distinct departure from
6 the applicable standard of care shall constitute repeated negligent acts.

7 “(1) An initial negligent diagnosis followed by an act or omission medically appropriate for
8 that negligent diagnosis of the patient shall constitute a single negligent act.

9 “(2) When the standard of care requires a change in the diagnosis, act, or omission that
10 constitutes the negligent act described in paragraph (1), including, but not limited to, a
11 reevaluation of the diagnosis or a change in treatment, and the licensee’s conduct departs from the
12 applicable standard of care, each departure constitutes a separate and distinct breach of the
13 standard of care.

14 “(d) Incompetence.

15 “(e) The commission of any act involving dishonesty or corruption which is substantially
16 related to the qualifications, functions, or duties of a physician and surgeon.

17 “(f) Any action or conduct which would have warranted the denial of a certificate.

18 “(g) The practice of medicine from this state into another state or country without meeting
19 the legal requirements of that state or country for the practice of medicine. Section 2314 shall not
20 apply to this subdivision. This subdivision shall become operative upon the implementation of the
21 proposed registration program described in Section 2052.5.

22 “(h) The repeated failure by a certificate holder, in the absence of good cause, to attend and
23 participate in an interview by the board. This subdivision shall only apply to a certificate holder
24 who is the subject of an investigation by the board.”

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1 **CAUSE FOR DISCIPLINE**

2 **(Incompetence)**

3 6. Respondent is subject to disciplinary action under section 2234, subdivision (d), in
4 that he failed the Physician Assessment and Clinical Education ("PACE") Program at the
5 University of California, San Diego. His performance was substandard and consistent with a fail,
6 which signifies that he is not competent to practice medicine and poses a potential danger to his
7 patients. The circumstances are as follows:

- 8 A. In a disciplinary action entitled *In the Matter of the Accusation Against King Wong*
9 *M.D.*, Case No. 11-2013-230174, Complainant alleged gross negligence and repeated
10 negligent acts in the care and treatment of a patient. Briefly, Respondent was grossly
11 negligent in the delivery of a baby. Respondent encountered shoulder dystocia and
12 unfortunately, the baby died.
- 13 B. The Board issued a decision effective December 7, 2017, in which Respondent's
14 certificate was subject to a public reprimand, with the condition that he successfully
15 complete a clinical competence assessment program.
- 16 C. Between May 14-18, 2018, Respondent participated in the PACE Program. He
17 completed a neuropsychological evaluation on August 3, 2018.
- 18 D. Respondent's overall performance in PACE was that of a "fail," which signified a
19 poor performance that was not compatible with overall physician competency and
20 safe practice, representing a potential danger to his patients. There were several
21 deficiencies, some of which are listed below.
- 22 E. Cognitive Screening: Microg is a computer based assessment of cognitive skills and
23 is a screening test to help determine if a PACE participant should be referred for a
24 neuropsychological evaluation. Respondent performed in the below average range on
25 several factors including general cognitive functioning, memory, and information
26 processing speed to name a few. According to the psychologist who reviewed the
27 findings, Respondent needs further neuropsychological testing and a fitness for duty
28 evaluation.

- 1 F. Mock patient history: Respondent performed a complete history and physical exam
2 of a 34-year-old female mock patient. He demonstrated unsatisfactory medical
3 interviewing and physical exam skills. He barely palpated the breasts and performed
4 the exam while she was sitting up. The pelvic exam was painful for the patient
5 because the speculum was still open when it was removed. The mock patient said it
6 was the worst breast and pelvic exam she had received.
- 7 G. Chart stimulated recall: Respondent's charts were reviewed and there were
8 deficiencies with all 18 charts. The documentation was insufficient, and he could not
9 offer explanations when the deficiencies were pointed out to him.
- 10 H. Obstetrics emergency simulation: Respondent struggled with several of the
11 scenarios. One of them involved a shoulder dystocia. Respondent was not
12 comfortable with how to proceed, and used an excessive amount of force in an effort
13 to deliver the baby. This scenario of a shoulder dystocia is what lead to his discipline
14 in the first place.
- 15 I. Ob/Gyn subject exam: Respondent scored in the 24th percentile, with a test score of
16 67.
- 17 J. On August 3, 2018, Dr. P. did a neuropsychological evaluation of Respondent. He
18 found Respondent had significant impairments in executive functioning and had
19 limited manual dexterity which, for a surgeon, is problematic.

20 **DISCIPLINARY CONSIDERATIONS**

21 7. To determine the degree of discipline, if any, to be imposed on Respondent,
22 Complainant alleges that in a prior disciplinary action entitled *In the Matter of the Accusation*
23 *Against King Wong, M.D.*, before the Medical Board of California, in Case Number 11-2013-
24 230174, Respondent agreed to a Public Reprimand, in addition to completing a clinical
25 competence assessment program. That decision is now final and is incorporated by reference as
26 if fully set forth herein.

27 ///

28 ///

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number A 35471, issued to King Wong, M.D.;
2. Revoking, suspending or denying approval of King Wong, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering King Wong, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

DATED:

November 21, 2018


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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